

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

CRIMINAL ACTION NO. 03-161

MATTHEW ALAN MANCUSO

PROCEEDINGS

Transcript of Sentencing Hearing, commencing on
Thursday, February 5, 2004, United States District Court,
Pittsburgh, Pennsylvania, before Honorable Terrence F.
McVerry, U.S. District Judge.

APPEARANCES:

For the Government: TINA O. MILLER, Esquire
United States Attorney's Office
U.S. Courthouse
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Pittsburgh, Pennsylvania 15219

For the Defendant: STANLEY W. GREENFIELD, Esquire
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Proceedings recorded by mechanical stenography. Transcript
produced by computer-aided transcription.

1 (In Open Court.)

2 THE COURT: It is Thursday, February 5th, 2004, at
3 3:30 p.m., the date on which sentencing has been scheduled in
4 the case of United States of America versus Matthew Alan
5 Mancuso, at case No. 03-161.

6 Would counsel for the government and counsel for
7 Mr. Mancuso kindly enter your respective appearances on the
8 record.

9 MISS MILLER: Tina Miller from the United States
10 Attorney's Office, representing the United States of America,
11 Your Honor.

12 MR. GREENFIELD: Stanley W. Greenfield, as counsel
13 for Mr. Mancuso.

14 THE COURT: Thank you.

15 Since the plea hearing in this Court on
16 September 25th, 2003, I note for the record the preparation of
17 the following by the Probation Office. A pre-sentence report,
18 prepared on November 24th, 2003, and the addendum to the
19 pre-sentence investigation report on January 22nd, 2004.

20 We also have the filing of the following. The
21 government's position with respect to sentencing factors that
22 was filed on December 8th, 2003, the defendant's objections to
23 the pre-sentence investigation report, and mitigation
24 statement that was filed on January 16th, 2004, the
25 government's response to the defendant's objections that was

1 filed on January 21st, 2004, and the tentative findings and
2 rulings by the Court filed on February 2nd, 2004. Each and
3 every one of these documents have been filed under seal.

4 Have both the defendant, Matthew Alan Mancuso, and
5 his attorney, Stanley Greenfield, reviewed the documents to
6 which I've made reference?

7 MR. GREENFIELD: We have, Your Honor.

8 THE COURT: Has the United States also reviewed
9 these documents?

10 MISS MILLER: Yes, Your Honor.

11 THE COURT: Mr. Greenfield, would you kindly bring
12 your client forward to be sworn.

13 (Whereupon, defendant was duly sworn.)

14 THE COURT: You are Matthew Alan Mancuso; are you
15 not?

16 THE DEFENDANT: Yes.

17 THE COURT: In a proceeding in this court on
18 September 25th, 2003, you pleaded guilty to Count 1 of a
19 two-count criminal indictment at No. 03-161, which charged you
20 with the sexual exploitation of a minor from in or around
21 November, 1998, until in or around July, 1999, in violation of
22 Title 18, United States Code, Section 2251(a). Is that
23 correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Following your guilty plea, do you

1 recall having indicated your willingness to be interviewed by
2 the Probation Office, and have me review the pre-sentence
3 investigation report prior to determining your sentence?

4 THE DEFENDANT: Yes.

5 THE COURT: I have reviewed the compete file in this
6 case, the Probation Office's pre-sentence investigation
7 report, the addendum, you and your attorney's objections to
8 the pre-sentence report, the response of the United States
9 Attorney's Office to your objections, and the recommendation
10 of the Probation Office with regard to an appropriate
11 sentence.

12 I must advise you that according to a standing order
13 of the Board of Judges of this Court, it is not appropriate to
14 disclose the sentence recommendation of the Probation Office
15 to you, your attorney, or the government's counsel. However,
16 in determining your sentence, the Court will not otherwise
17 consider any factual or legal matter that has not previously
18 been disclosed to you and your attorney. Do you understand
19 that?

20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Greenfield, having reviewed the
22 pre-sentence investigation report, the addendum and the
23 Court's tentative findings and rulings, and discussed them
24 with your client, are there any errors in these documents that
25 you've not already called to the Court's attention?

1 MR. GREENFIELD: There are none, Your Honor.

2 THE COURT: Mr. Mancuso, have you reviewed and
3 discussed the presentence report, the addendum, and the
4 Court's tentative findings and rulings with your counsel,
5 Mr. Greenfield?

6 THE DEFENDANT: Yes, I have.

7 THE COURT: Is that correct, Mr. Greenfield?

8 MR. GREENFIELD: It is in fact, Your Honor.

9 THE COURT: Miss Miller, does the government have
10 any position that it would like to state with regard to the
11 Court's tentative findings and rulings?

12 MISS MILLER: No, Your Honor.

13 THE COURT: The Court, therefore, hereby adopts its
14 tentative findings and rulings, and the relevant findings in
15 the pre-sentence report and addendum that are applicable to
16 this sentence determination.

17 Mr. Greenfield, is there anything you would like to
18 say on behalf of your client at this time?

19 MR. GREENFIELD: I should like to just merely
20 reference the remarks that were in writing with respect to the
21 statement filed by the defendant in connection with the
22 objections and in mitigation. I won't belabor them now, and I
23 won't revisit them in open court in as explicit a way as I
24 presented them to the Court there in the written form.

25 I would merely ask the Court to keep in mind, as I

1 take it the Court will, the points that were made there, and
2 though they did not result in convincing the Court that there
3 should be an elimination of upward calculations that were the
4 basis of the objections, nevertheless, we respectfully suggest
5 they remain as points that should be considered in, if not in
6 mitigation, in the fullest sense in preserving a, a position
7 for the defendant within the scope of the guidelines already
8 now indicated by the pre-sentence report and his status as a
9 offender with a 34 rating under the guidelines.

10 Your Honor has a range within the guidelines, as the
11 guideline score indicating, as you know, between 151 and the
12 188, and I would respectfully suggest that the remarks made in
13 the mitigation claim in writing are appropriate for
14 consideration by the Court in connection with meting out a
15 sentence within the standard range, and certainly at the lower
16 end of it, as we perceive it.

17 Having said all that, there's really nothing more to
18 add at this point, Your Honor.

19 THE COURT: I am mindful of the arguments that you
20 made and your objections to the pre-sentence investigation
21 report, and I've responded to them, as you're aware, and
22 adopted those tentative findings.

23 But that having been said, I remain mindful of your
24 arguments made there.

25 Mr. Mancuso, do you have anything additional that

1 you would like to say or present on your own behalf before
2 sentencing?

3 THE DEFENDANT: No, I don't.

4 THE COURT: Are you in any way dissatisfied with the
5 service, advise or representation provided by Mr. Greenfield
6 in this matter?

7 THE DEFENDANT: No, not at all.

8 THE COURT: Mr. Greenfield, is there any legal cause
9 or reason why sentence should not now be pronounced?

10 MR. GREENFIELD: None, Your Honor.

11 THE COURT: Miss Miller, does the government have
12 any position or statement that you would like to make
13 regarding sentence?

14 MISS MILLER: Yes, Your Honor. And we also have a
15 letter from the child victim that her representative would
16 like to read. And her representative would also like to
17 address the Court.

18 With respect to the government's position, Your
19 Honor, it's our position, as we've said in our brief, a
20 sentence at the upper end of the guideline range is
21 appropriate in this case. I think that is so because, first
22 of all, of the extent of the abuse that this child victim
23 suffered at the hands of Mr. Mancuso. And I think it's also
24 because of the extent to which Mr. Mancuso went to gain access
25 to this child victim. I think this was not a crime of

1 passion. This was a cold, calculated crime that took a great
2 deal of planning. For that reason, Your Honor, I think that a
3 sentence at the upper end of the guideline range is
4 appropriate. Frankly, I wish, as the prosecutor, that I could
5 have thought of a way that I could have charged Mr. Mancuso
6 with crimes that would have put him in jail for the rest of
7 his life, because I think that this crime is one that is
8 deserving of such a sentence. Unfortunately, that wasn't
9 anything that I was able to do in this case.

10 However, I think that 15 and a half years would be
11 an appropriate sentence for this Court to impose on
12 Mr. Mancuso.

13 THE COURT: Pursuant to Federal Rule of Criminal
14 Procedure 32(i)(4), the Court is required, before imposing
15 sentence, to address any victim of a crime, or that victim's
16 legal representative, of any crime of violence or sexual abuse
17 who is present at the sentencing, and the Court is prepared to
18 hear from the legal guardian of the victim at this time.

19 (Whereupon, witness was duly sworn.)

20 MISS MILLER: Your Honor, she would like to read a
21 letter that was written by the child victim in this case,
22 addressing her present circumstances.

23 THE COURT: Is there any reason why the witness
24 should not be identified on the record, and her relationship
25 with the victim established prior to her testimony?

1 MISS MILLER: I don't believe so, Your Honor.

2 THE COURT: If there is, tell me.

3 MISS MILLER: Do you have any objection to doing
4 that?

5 She has no objection to doing that, Your Honor.

6 THE COURT: Okay. Tell us your name, then.

7 THE WITNESS: I'm Lynn Maria Ginn.

8 THE COURT: Can you spell that, please?

9 THE WITNESS: L-Y-N-N, Maria, M-A-R-I-A, Ginn,
10 G-I-N-N.

11 THE COURT: And what is your relationship with the
12 child victim in this matter?

13 THE WITNESS: Pre-adoptive parent.

14 THE COURT: Pre-adoptive parent?

15 THE WITNESS: Yes.

16 THE COURT: Are you presently in a foster
17 relationship also?

18 THE WITNESS: Yes, um-hum.

19 THE COURT: So the child lives with you?

20 THE WITNESS: Yes.

21 THE COURT: Have you had an opportunity, either
22 today or prior to today, to talk to the Assistant United
23 States Attorney regarding your testimony here today?

24 THE WITNESS: Yes.

25 THE COURT: And so, you are aware, I presume, of

1 certain things that have been under seal during the course of
2 this entire matter, and that we, and that you cannot testify
3 to, such as the victim's identity and the like? You're aware
4 of that?

5 THE WITNESS: Yes.

6 THE COURT: Okay. Go ahead.

7 THE WITNESS: This says, Dear Mummsy, I just want to
8 say thank you for being so nice to me. You, you've helped me
9 through so much already. I finally have a mom, one that
10 really loves me, too. I love it.

11 I love it in church. And my live is easy now that I
12 have God. Thank you for being such a caring mother. And some
13 times have been hard, but you have been there. Sometimes I
14 thought that I was confused, but you helped me.

15 Thank you for my birthday party. Thank you for
16 loving me. Thank you for being there for me. I love you so
17 much.

18 And then, it says, mum, you are nice. I mean, I
19 just love you. I love you, especially sweet.

20 MISS MILLER: Your Honor, may we approach briefly at
21 sidebar?

22 THE COURT: Yes.

23 MR. GREENFIELD: The defendant also approach, Your
24 Honor?

25 (Sidebar conference was held on the record:

1 MISS MILLER: Your Honor, thank you for indulging
2 us. Miss Ginn wanted to make a statement to the Court
3 concerning the circumstances under which Marsha was brought to
4 her home and the condition that she was in when she got there.
5 I thought that might be best to do at sidebar, because it
6 would certainly disclose the nature of the relationship
7 between Marsha and Mr. Mancuso.

8 So with the Court's indulgence, Miss Ginn wanted to
9 address the Court.

10 MR. GREENFIELD: All right.

11 THE COURT: Okay, yes.

12 THE WITNESS: I just wanted to say that when Marsha
13 came to me, she -- I mean, I was afraid to even hug her or
14 anything. She was very mal-nourished. Her hair was fragile.
15 She didn't eat hardly anything. I asked her what some of the
16 things --

17 MR. KAUFMAN: (From the audience) Your Honor, I'm
18 sorry, but the gallery can hear everything.

19 THE COURT: Keep your voice down.

20 THE WITNESS: In other words, she just is
21 experiencing an eating disorder. She didn't eat a lot of
22 food. She didn't drink milk. I asked her some of the things
23 that they ate at home. She said basically her dad fed her
24 spaghetti with no sauce, just plain noodles. Everything was
25 bland. Plain, raw vegetables.

1 She was 15 pounds underweight when she came with me.
2 She has gained seven, almost seven pounds now. She is happier
3 now. She has nightmares about some of the things that
4 happened to her. She has a hard time sleeping. Sometimes I
5 have to go and lay with her, talk her through it.

6 Just, I mean, there's so many things that she's
7 going through. And I brought even some before and after
8 pictures of her. This is her when she came to me, these two.
9 This is her now. She looks so much better. She's a lot
10 happier. I mean, she's really gone through a lot. This has
11 been very traumatic for her.

12 MISS MILLER: Is there anything else you wanted to
13 say to the Court?

14 Okay. Thank you, Your Honor.

15 MR. GREENFIELD: Your Honor, I want you — I want
16 the response of Mr. Mancuso.

17 THE DEFENDANT: Just to respond about she has an
18 eating disorder. Marsha never had an eating disorder. She
19 came from an orphanage, where they fed her rarely anything.
20 In fact, when I went to adopt her, she took me outside one day
21 and showed me a bush she would eat green berries from. That's
22 how the kids were fed when they were starving. They didn't
23 have any food for them, literally, to feed them in the
24 orphanage. They fed them rice, and bread, and soup. She had
25 a very limited diet.

1 When Marsha came to me, she wouldn't eat anything.
2 I tried to get her to eat noodles with sauce, pizza, and
3 chicken. She wouldn't eat any of it. She wouldn't drink
4 milk. Rather than force her to do that, I often let me (sic)
5 decide what her diet should be. I was her responsible parent
6 in that regard. I fed her daily. I provided for her. She
7 ate raw vegetables. There's nothing wrong with that. She ate
8 noodles. She ate good food.

9 I restricted her diet only in the sense, I didn't
10 let her eat junk food. And she was underweight because that's
11 the way she was. She was a small child. She was a premature
12 baby. She was born 2.2 pounds, so she was naturally small for
13 her age. That's all I can say. I did not mistreat her, as
14 far as her diet is concerned, whatsoever.

15 MR. GREENFIELD: How about her eye?

16 THE DEFENDANT: Her eye problem, she has turned eye.
17 When I first brought her here, I took her to the dentist to
18 have her teeth taken care of. I took her to the optometrist
19 to have her eyes examined. I had two doctors look at her, and
20 they both recommended they not do surgery on her at the time
21 because it would have been too traumatic for her, just coming
22 to the United States. They both told me that correcting her
23 eyes would not improve her vision, would only be cosmetic.

24 At that time, Marsha had some very traumatic
25 experiences in Russia in the hospital. She was traumatized by

1 her parents. She was put in the hospital. She had an
2 extremely bad scar on her neck from, what I understand, was
3 her mother tried to kill her, I think, with a knife. So she
4 was very afraid of hospitals and doctors.

5 When I took her to get her immunization shots when I
6 first brought her here, it took two of us to hold her down to
7 get shots in her arm. That's how scared she was, coming to a
8 doctor. So it was my decision to just wait until she got a
9 little bit older, so she could be a part of the decision to
10 correct her eye. And probably now is a good time to do that,
11 when she's older and she understands what's going on. When
12 she came to this country, she couldn't speak any English, she
13 spoke only Russian, and it just wasn't the right thing to do
14 at that time.

15 THE COURT: With whom does Marsha live, besides you?

16 THE DEFENDANT: Just myself.

17 THE COURT: Okay. I didn't know if you had other
18 children.

19 THE WITNESS: Can I say one other thing?

20 THE COURT: Yes.

21 THE WITNESS: I also say that Marsha, since she came
22 to live with me, she's been eating a lot of different foods.
23 She started drinking milk within two months, immediately
24 started eating hamburgers, chicken. Three weeks ago she was
25 eating pizza, spaghetti with sauce. I mean, she's made

1 tremendous progress. I mean, she had stated to me that she
2 was forced to stick to a strict diet, and her doctor diagnosed
3 her with an eating disorder.

4 THE DEFENDANT: That's not true.

5 THE WITNESS: I'm just very concerned about her.
6 And now she is, right now she's very traumatized.

7 THE DEFENDANT: That's not true. Marsha stayed with
8 my family, mother and sister, overnights. Why would anyone
9 try to keep food from a child? I mean, that doesn't make any
10 sense at all.

11 She chose not to eat these foods. And my mother is
12 an Italian woman. She wants everybody to eat everything that
13 they can, and she couldn't get food into Marsha either. There
14 was no food ever withheld from Marsha at any time.

15 THE COURT: All right. Thank you.

16 MISS MILLER: Thank you, Your Honor.

17 (Whereupon, sidebar conference concluded.)

18 THE COURT: Due to the sensitive nature of some of
19 the matters that were just placed on the record, that was done
20 at sidebar, as compared to in open court. The Court
21 determined, on the other hand, however, that it didn't require
22 to be in camera and outside of this room. So, to the extent
23 that it was overheard, I apologize.

24 Mr. Mancuso, United States Sentencing Guidelines
25 total offense level in this matter was originally at 27, but

1 it was enhanced by six levels based on specific offense
2 characteristics, pursuant to Sentencing Guideline
3 Section 2G2.1(b) (1) (A) and 2G2.1(b) (2).

4 It was also enhanced, as you know, an additional
5 four levels, based on victim-related adjustments, pursuant to
6 Sentencing Guideline Section 3A1.1(b) (1) and 3A1.3(2), and
7 Sentencing Guideline 3A1.1(b) (1), which resulted in an
8 adjusted offense level of 37.

9 This adjusted level was reduced by three for
10 adjustment for acceptance of responsibility, which resulted in
11 a total offense level of 34. That places you in a criminal
12 history category, you are in a criminal history category of
13 one, having no prior criminal record, and you are in Zone D in
14 the Sentencing Guidelines as far as potential sentence is
15 concerned.

16 Under the guidelines, you are well aware, through
17 counsel and through arguments by the government, that you
18 could be imprisoned for a period from 151 to 188 months. You
19 are not eligible for parole. You are, if imprisoned, subject
20 to supervised release of two to three years. You could be
21 fined anywhere from 17,500 to \$175,000. Restitution is
22 mandatory in this case. And a special assessment of \$100 is
23 something to which you are subject.

24 Pursuant to the Sentencing Reform Act of 1984, it is
25 the judgment of the Court that you, Matthew Alan Mancuso, are

1 hereby committed to the custody of the Bureau of Prisons, to
2 be imprisoned for a term of 188 months. The Court recommends
3 that the Bureau of Prisons designate an institution wherein
4 you may participate in a treatment program for sex offenders.

5 Upon completion of your term of imprisonment, you
6 shall be placed on supervised release for a period of three
7 years. Within 72 hours of your release from the custody of
8 the Bureau of Prisons, you shall report in person to the
9 Probation Office in the District to which you are released.

10 While on supervised release you shall not commit
11 another federal, state, or local crime, and you shall comply
12 with the standard conditions that have been recommended by the
13 Sentencing Commission and adopted by this Court.

14 You must comply with the following conditions:

15 You shall not illegally possess a controlled
16 substance.

17 You shall not possess a firearm or destructive
18 device of any kind.

19 You shall participate in a mental health treatment
20 program and/or sex offender treatment program, as approved and
21 directed by the Probation Office.

22 You shall abide by all program rules, requirements,
23 and conditions of the sex offender treatment program,
24 including submission to polygraph testing to determine if you
25 are in compliance with the conditions of release.

1 You shall not associate with children under the age
2 of 18, except in the presence of a responsible adult who is
3 aware of the nature of your background and current offense,
4 and who has been approved by the Probation Office.

5 In accordance with Title 18, United States Code,
6 Sections 3583 and 4042, you shall report the address where you
7 will reside, and any subsequent change of address, to the
8 Probation Office responsible for your supervision.

9 And further, you shall register as a convicted sex
10 offender in any state where you reside, are employed, or carry
11 on a vocation or are a student.

12 You shall not possess any materials, including
13 pictures, photographs, books, writings, drawings, videos or
14 video games depicting and/or describing child pornography, as
15 that term is defined in 18 United States Code,
16 Section 2256(8).

17 You are prohibited from operating or accessing
18 Internet websites containing child pornographic materials.
19 You shall use only those computers and computer-related
20 devices, screen user names, passwords, e-mail accounts, and
21 Internet service providers as approved by the Probation
22 Office. Computers and computer-related devices include, but
23 are not limited to, personal computers, personal data
24 assistance, Internet appliances, electronic games, and
25 cellular telephones, as well as their peripheral equipment

1 that can access, or can be modified to access, the Internet,
2 electronic bulletin boards, other computers or similar media.

3 You shall cooperate in the collection of DNA as
4 directed by the Probation Office.

5 The periodic drug testing mandated by the Violent
6 Crime Control and Law Enforcement Act of 1994 is hereby
7 suspended. The Court finds that this offense is not drug
8 related, and that you have no current or past history of
9 substance abuse.

10 A mandatory special assessment of \$100 is imposed,
11 pursuant to Title 18, United States Code, Section 3013, which
12 shall be paid to the United States District Court Clerk
13 forthwith.

14 Restitution in this matter is mandatory, pursuant to
15 Title 18, United States Code, Sections 2259(a) through 3663,
16 3663(a) and 3664. In order to meet your restitution
17 obligation, the Court has the understanding that you have
18 fully funded a trust account in the amount of \$200,000 for the
19 benefit of the child victim in this case.

20 Miss Miller, has the trust been fully funded through
21 escrow funds --

22 MISS MILLER: Yes, Your Honor.

23 THE COURT: -- at this time?

24 MISS MILLER: Yes, Your Honor.

25 THE COURT: That is accomplished. That has been

1 accomplished?

2 MISS MILLER: That has been accomplished, Your
3 Honor.

4 THE COURT: Based on the financial information,
5 then, contained in the presentence investigation report, as
6 well as the full funding of a trust fund, the Court finds that
7 you do not have the ability to pay a fine. Therefore, the
8 Court will waive any fine in this matter.

9 Mr. Mancuso, you're actions are reprehensible, to
10 say the least. Although there is no presently determinable
11 monetary loss in this case, the damage you've done in scarring
12 this young victim's psyche for life cannot really be measured.

13 While you're establishment of a trust fund for the
14 victim is commendable, this in no manner excuses or diminishes
15 your criminal conduct in this matter whatsoever. This
16 sentence as imposed adequately conforms with the statutory and
17 sentencing guideline requirements.

18 This sentence is based on the need to reflect the
19 seriousness of the offense, to promote respect for the law,
20 and to provide just punishment for the offense.

21 Mr. Mancuso, except as you may have previously
22 waived rights in your plea agreement, you have the right to
23 appeal from the orders of this Court, the judgment of guilt,
24 and/or the sentence imposed today.

25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You have the right to have a lawyer
3 represent you on appeal, and if you cannot afford a lawyer,
4 one will be appointed for you at no cost to yourself.

5 Do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: If you cannot afford certified copies of
8 the necessary court records and transcripts, they will
9 likewise be furnished to you at the expense of the United
10 States Government.

11 You understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Finally, you must know that if you were
14 to appeal, you must do so, that is, appeal, within ten days
15 from today. If you do not appeal within ten days of today,
16 you will lose your right to appeal.

17 You understand that?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: If you request, the Clerk of Court will
20 immediately prepare and file a notice of appeal on your
21 behalf.

22 Do you want the Clerk of Court to prepare and file a
23 notice of appeal for you?

24 THE DEFENDANT: Not at this time.

25 THE COURT: Are there any other matters for

1 consideration before this sentencing hearing is concluded?

2 MISS MILLER: Yes, Your Honor. The government
3 would, first of all, move to seal that portion of the record
4 of today's proceedings that were conducted at sidebar, and we
5 would also move to dismiss Count 2 of the indictment.

6 THE COURT: Government's motion, without objection,
7 is granted. The proceedings at sidebar will be sealed. And
8 Count 2 of the indictment -- is it Count 2 of the indictment?

9 MISS MILLER: I believe so, Your Honor.

10 MR. GREENFIELD: Yes, Your Honor.

11 THE COURT: Count 2 of the indictment will be
12 dismissed.

13 Is it the government's motion to continue the
14 matters that heretofore have been filed under seal, to remain
15 under seal?

16 MISS MILLER: Yes, Your Honor.

17 MR. GREENFIELD: Yes.

18 THE COURT: Nothing further to come before this
19 Court, this sentencing hearing is concluded, and Court is
20 adjourned.

21 (Court recesses.)

22 * * * * *

23

24

25

I certify by my original signature herein
that the forgoing is a correct transcript from the record of
proceedings in the above-entitled matter.

s/Virginia S. Pease
Official Court Reporter